## UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE COLUMBIA DIVISION

JOHN DOE, Plaintiff,	) ) )
v.	) No. 1:18-cv-00084
DAVID BYRD, et al., Defendants.	Judge Eli Richardson Magistrate Judge Jeffery Frensley
	)
	<i>)</i> )

## DEFENDANT DAVID BYRD'S MEMORANDUM IN SUPPORT OF MOTION TO RESCIND PRIOR ORDER GRANTING PLAINTIFF'S MOTION FOR PROTECTIVE ORDER (D.E. 32) AND TO COMPEL PLAINTIFF TO SUBSTITUTE NAME OF REAL PARTY IN INTEREST UNDER FED. R. CIV. P. 17

Defendant, David Byrd, requests that the Court rescind its prior Order granting Plaintiff John Doe's request to proceed anonymously based upon newly discovered evidence, the presumption in favor of open legal proceedings and the need for public vetting given novel legal theories recently presented by Doe within his amended complaint. Defendant Byrd requests the Court Order Doe to substitute his actual name as the real party in interest to these proceedings in all filings henceforth.

DATED this 14th day of March, 2019.

Respectfully submitted,

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Attorney for David Byrd

## **CERTIFICATION OF COUNSEL**

I hereby certify that the moving party attempted to confer in good faith with opposing counsel to resolve by agreement the motion to name the real party in interest to this proceeding.

/s/Clay Lee Clay Lee

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing was electronically filed on the 14th day of March, 2019. Notice of this filing will be sent by operation of electronic mail to the following:

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